IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.132 OF 2007

Shri.Ramesh @ Rambhau Bhikaji Gaikwad ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.S.S.Kulkarni, counsel for applicant
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in CR No.76 of 2006 registered with Yeola Poilce Station. The said case is mainly under Section 376 of IPC.

3. It is the prosecution case that the applicant who is cousin father in law of the prosecutrix, has committed rape on the prosecutrix who was minor at the time of incident. It is the prosecution case that the prosecutrix was 14 years old at the time

of the incident.

4. The learned counsel for the applicant has submitted that in F.I.R. the prosecutrix has given her age as 18 years, hence, it belies the prosecution case that prosecutrix was minor at the time of incident. However, the learned A.P.P. placed reliance on the radiological examination of the prosecutrix which shows that the age of the prosecutrix was 14 years at the time of incident. He has submitted that prosecutrix was agriculturist in a village, hence, approximate age may have been given. The radiological examination clearly shows that the prosecutrix was 14 years old at the time of incident. Moreover, the prosecutrix has clearly stated about the act of rape committed by the applicant on her. In this view of the matter, I am not inclined to grant bail. Application for bail is rejected. However, trial is expedited.

[V.K.Tahilramani, J.]